

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

GILBERT ELLIS,

Plaintiff,

- against -

GREENE KUSH et al.,

Defendants.

25-CV-1224 (AS) (RWL)

## ORDER

**ROBERT W. LEHRBURGER, United States Magistrate Judge.**

This order addresses several pending motions.

1. Plaintiff's motion for leave to file a supplemental complaint is granted in part. (See Dkts. 42, 46.) Specifically, Plaintiff's Verified Affirmation at Dkt. 46-1 shall be treated as allegations of Plaintiff's complaint. Accordingly, any motion to dismiss from Defendant shall be directed to the complaint as supplemented by Dkt. 46-1.

2. Plaintiff's motion for an order to preserve evidence at Dkt. 49 is denied as moot insofar as the parties already are under an obligation to preserve evidence.

3. Defendants' motion at Dkt. 53 to adjourn the initial pretrial conference and accompanying proposed management plan and scheduling order is granted in part. The Court will reschedule the conference. The parties need not submit a proposed case management plan and scheduling order in advance of the conference.

The Clerk of Court is respectfully directed to terminate the motions at Dkts. 42, 46, 49, and 53.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Lehrburger', is written above a horizontal line.

ROBERT W. LEHRBURGER  
UNITED STATES MAGISTRATE JUDGE

Dated: April 24, 2025  
New York, New York

Copies transmitted this date to all counsel of record.